



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/822,156

04/08/2004

Guenther A. Mohr

KLAUS2.007AUS

1177

20995

7590

12/12/2006

Knobbe Martens Olson & Bear LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

EXAMINER

Shapiro, Jeffery A

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,156

Applicant(s)

MOHR ET AL.

Examiner

Jeffrey A. Shapiro

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/7/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 2, 4-6, 8-21 and 23-37** are rejected under 35 U.S.C. 102(b) as being anticipated by Wallace et al (US 2002/0173875).

Regarding **Claims 1, 4, 15-18, 33** Wallace discloses an unmanned dispensing station for laboratory items having an input terminal (48 or 340), a central processing unit (CPU) (46) with a memory, user id/password entry (3610) and a data input/output port with communication interface, as illustrated in figures 3-5c. Note that laboratory items are construed to include drugs as well as physical instruments. In paragraph 136, Wallace further discloses a remotely accessed cabinet/dispenser (20) with locks (28) that are accessed by an authorized user who enters said password.

Wallace further discloses sensors (36) for detecting a withdrawal of an item in a group of items, each group located in a column (78). Transaction information is disclosed as being manipulated by the system from database as mentioned at paragraph 405 and illustrated at figure 99c.

Regarding **Claims 2, 3, 21, 23 and 24**, Wallace discloses a use of a password software module as an access device in paragraph 408. In paragraph 329, Wallace

Art Unit: 3653

discloses a an access device in the form of a magnetic card reader (1672) and a personal identification module in the form of smart card or debit card.

Regarding **Claim 4**, Wallace's card reader (1672) can be construed as having an output interface adapted for reading to and from a smart card, since this is how smart cards disclosed by Wallace are known to work.

Regarding **Claims 5 and 26**, Wallace is discloses a biometric data scanner in the form of a fingerprint at paragraphs 130, 311, 329, 411 and 413.

Regarding **Claims 6 and 25**, Wallace discloses a display and user interface with an area for entering a user ID. Note that said magnetic card reader (1672) is considered to be adapted to transfer information to and from a smart card as well as to and from the CPU memory.

Regarding **Claims 8 and 20**, Wallace discloses a printer (56).

Regarding **Claims 9, 11, 12 and 37**, Wallace discloses using a wireless network at paragraphs 147, 230-232, 338, 419 and Claim 61.

Regarding **Claims 10, 28 and 29**, Wallace discloses using email as a means of communication of data at paragraph 155.

Regarding **Claims 13, 15, 31 and 32**, Wallace discloses movable trays or drawers at paragraph 11, 61, 148, 150, 327, 328 and 331-336.

Regarding **Claims 14, 19 and 30**, Wallace discloses restocking routines at paragraphs 3, 89, 144, 192, 248, 366 and 367.

Regarding **Claims 27 and 34-36**, Wallace discloses transmission by the internet and in a network at figures 3-5c.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 3 and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace in view of Waterbury (US 3,896,266).

Wallace discloses the dispensing system described above. Wallace does not expressly disclose, but Waterbury discloses holding onto a user's card (personal identification module) until a vending transaction is complete for the purpose of securing the dispensing system. See Waterbury, col. 18, lines 12-63.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have kept the user's card within the card reader until the transaction was completed, again, for the purpose of securing the dispensing system.

5. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace in view of Mase (US 6,532,399B2).

Wallace discloses the dispensing system described above. Wallace does not expressly disclose, but Mase discloses using a refrigerated dispensing device (200). See Mase, col. 2, lines 22-28 and line 39-44 and col. 6, lines 1-7.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have used Mase's refrigerated dispenser in Wallace's dispensing system, for the purpose of maintaining items at a cool temperature. See Mase, col. 6, lines 1-7.

Art Unit: 3653


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (571)272-6943. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAS

December 9, 2006


PATRICK MACKEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600